

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11435 of 2006

Dated:13.04.2007

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Between:

Nutankal Gram Panchayat.

... Petitioner

AND

The Govt.of A.P., and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11435 of 2006

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ORDER:

Nutankal Gram Panchayat passed a resolution on 13.10.2004. By the said decision, the Gram Panchayat resolved to have separate Gram Panchayat for Konaipally and Maisireddipally Villages in Nutankal Gram Panchayat purportedly for the reason that these two Villages are deprived of funds for the development. When the resolution was forwarded to the District Collector and the District Panchayat Officer, fourth respondent herein, by a communication dated 17.01.2006 the Sarpanch was informed that there is a ban imposed by the Government on bifurcation and reconstitution of the Gram Panchayats. A reference to the orders of the Government in G.O.Rt.No.1634, Panchayat Raj and Rural Development (PTS-IV) Department, dated 12.10.2001, is made. In view of this, the petitioner filed the instant Writ Petition assailing the Government Order in G.O.Rt.No.1634, dated 12.10.2001.

Learned Counsel for the petitioner submits that rejection of the proposal of the Nutankal Gram Panchayat for bifurcation of the two Villages without considering the reasons is illegal and arbitrary, and amounts to non-exercise of the powers vested in the Government and other Officials under Sections 3 and 4 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act').

A perusal of the impugned Government Order would show that the Government of Andhra Pradesh took a policy decision to ban

further bifurcation of the Gram Panchayats except in scheduled areas. When a policy decision is assailed, it has to be shown by the aggrieved person that he had legitimate expectation, which he is deprived of, and that such policy runs contrary to the statute or violative of principles of Article 14 of the Constitution of India. These are conspicuous by their absence in this case. The Gram Panchayat duly constituted either under the Act or earlier enactments cannot be said to have any legitimate expectation to seek bifurcation of the said Gram Panchayat. Secondly, Section 3 of the Act confers power coupled with discretion on the Government or its delegatee Officers to constitute Gram Panchayats. If the Government, as a policy, decides to ban further bifurcation of the Gram Panchayats, it should be presumed that the Government had all material before it from different sources to come to such conclusion that no further bifurcation is required.

The Writ Petition is misconceived, and is accordingly dismissed.
No costs.

(V.V.S.RAO, J)

13.04.2007
vs